

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,

Plaintiff,

VS.

UNITED STATES OF AMERICA, ET.AL.

Defendant's

CIVIL ACTION NO. 05-147-ERIE

HONORABLE JUDGE MCLAUGHLIN

FILED

SEP - 7 2007

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

PLAINTIFF'S MOTION FOR NOTICE OF APPEAL PURSUANT
TO FED. R. APP. P. 4(a)(1), 4(a)(1)(B), 4(a)(4),
FROM THE DENIAL OF PLAINTIFF'S MOTION FOR
CERTIFICATION ON CLAIMS THAT WERE NOT
FINAL PURSUANT TO FED. RULES. CIV. P.
54(b)

NOW COMES, the Plaintiff DARRYL ORRIN BAKER, (hereinafter "PLAINTIFF"), and proceeding **pro-se**, and respectfully moves this Honorable Court to **GRANT** the Plaintiff a Notice of Appeal, to appeal the denial of the Plaintiff's Motion for Certification on claims that were not final pursuant to Fed. Rules. Civ. P. 54(b), and for the reasons that follow.

(1) The Appeals Court sent this Honorable Court a **Order** instructing this Honorable Court to make a final judgment of the Plaintiff claims because the Appeals Court did not have jurisdiction of claims that are not final. See (ATTACHMENT 1).

(2) The Plaintiff filed a Motion for Certification on claims that were not final pursuant to Fed. Rules. Civ. P. 54(b) on July 31, 2007. See (ATTACHMENT 2).

(3) This Honorable Court issued a **Order** dated August 23, 2007, denying the Plaintiff Motion for Certification. See (ATTACHMENT 3).

(4) The Plaintiff acknowledge that this Honorable Court did not follow what the the Appeals Court instructed and still has not made all of the Plaintiff's

Therefore, the Plaintiff request this Honorable Court to **GRANT** the Plaintiff's this Notice of Appeal Motion to appeal this Honorable Court's **Order** dated August 23, 2007, denying the Plaintiff's Motion for Certification, and forward all brief's and motion for appellate review.

CONCLUSION

The Plaintiff request that this Honorable Court **GRANT** the Plaintiff a Notice of Appeal to appeal this Honorable Court's denial of Plaintiff's Motion for Certification of Plaintiff's claims that where not made final and still has not been made final, as the Appeals Court instructed this Honorable Court to make final judgment on Plaintiff's claims to establish jurisdiction for appellate review.

Respectfully submitted

BY:

Darryl Orrin Baker

Darryl Orrin Baker

(PRO-SE)

Reg. No. # 19613-039

Federal Correctional Institution

P.O. Box 1000

Sandstone, MN

55072

EXECUTED: AUGUST 31, 2007

**cc: UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Plaintiff has sent a true and exact copy of the Plaintiff Motion for Notice of Appeal Pursuant to Fed. R. App. P. 4(a)(1), 4(a)(1)(B), 4(a)(4), from the denial of Plaintiff's Motion for Certification on claims that where not final Pursuant to Red. Rules. Civ. P. 54(b), this day August, 31, 2007, United States First Class Mail to the following.

Assistant United States Attorney
Paul E. Skirtich
Western District of Pennsylvania
700 Grant Street, Suite 4000
Pittsburgh, PA.
51219

Respectfully submitted

BY: Darryl Orrin Baker
Darryl Orrin Baker
Reg. No.# 19613-039
Federal Correctional Institution
P.O. Box 1000
Sandstone, MN
55072

EXECUTED: AUGUST 31, 2007

cc: UNITED STATES COURT OF APPEAL
FOR THE THIRD CIRCUIT

September 4, 2007

Clerk of the Court
United States District Court
Western District of Pennsylvania
Sean J. McLaughlin Judge
U.S. Courthouse, Room A250
17 South Park Row
Erie, PA
16501

RE: CIVIL ACTION NO.# 05-147-ERIE
DARRYL ORRIN BAKER v. UNITED STATES OF AMERICA, ET.AL.

Dear Clerk of the Court:

Please find inside the Plaintiff's Motion for Notice of Appeal Pursuant to Fed. R. app. P. 4(a)(1), 4(a)(1)(B), 4(a)(4), from the Denial of Plaintiff's Motion for Certification on Claims that Where not Final Pursuant to Fed. Rules Civ. P. 54(b).

Thank you very much.

Respectfully submitted

BY: Darryl Orrin Baker

Darryl Orrin Baker
Reg. No.# 19613-039
Federal Correctional Institution
P.O. Box 1000
Sandstone, MN
55072

ENCL:

cc: AUSA PAUL E. SKIRTICH
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT